

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Schadt et al.	Confirmation No.:	9607
Serial No.:	10/540,405 national stage filing of PCT/US03/41613	Art Unit:	To be assigned
Filed:	December 24, 2003	Examiner:	To be assigned
For:	COMPUTER SYSTEMS AND METHODS FOR ASSOCIATING GENES WITH TRAITS USING CROSS SPECIES DATA	Attorney Docket No:	9301-210-999

**REQUEST UNDER 37 C.F.R. § 1.48(b) TO CORRECT INVENTORSHIP**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

It is respectfully requested that the above-identified application be amended under 37 C.F.R. § 1.48(b) to name the correct inventors. The correct inventors are Eric E. Schadt and John Lamb. Applicants, therefore, respectfully request that the name of Stephanie A. Monks be deleted as a named inventor of the above-identified application.

By the Preliminary Amendment submitted on even date herewith, the prosecution of the above-identified application has resulted in the cancellation of claims so that fewer than all of the currently named inventors are the actual inventors of the invention being presently claimed. The invention of Stephanie A. Monks is no longer being claimed in the above-identified application.

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Applicants respectfully request that the petition be granted and that the accompanying amendment deleting the name of Stephanie A. Monks as a co-inventor be entered.

A fee of \$130.00 is believed due under 37 CFR §1.17(i) for filing this Request to Correct Inventorship Under 37 C.F.R. §1.48(b). Please charge the required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Date: June 30, 2006

Respectfully submitted,

*Brett I. Jones* Reg. No. 42,813  
for 32,605

Adriane M. Andler

(Reg. No.)

**JONES DAY**

222 East 41st Street

New York, New York 10017

Phone: (212) 326-3939

*Enclosures*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Schadt et al.	Confirmation No.:	9607
Serial No.:	10/540,405 national stage filing of PCT/US03/41613	Art Unit:	To be assigned
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**CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP UNDER 37 C.F.R. § 1.497 (d)(3) AND STATEMENT UNDER 37 C.F.R. § 3.73(b)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Rosetta Inpharmatics LLC, as the assignee of the entire right, title and interest in the above identified patent application, hereby consents to correction of the inventorship of this application. Specifically, the assignee consents to the addition of John Lamb, a citizen of the United States whose residence is 1216 N. 172<sup>nd</sup> Street, Shoreline, Washington 98133, as co-inventor of the instant application. Thus, the true inventors of the claimed subject matter of the above-identified International Application No. PCT/US03/41613 are Eric E. Schadt, Stephanie A. Monks, and John Lamb.

Rosetta Inpharmatics LLC states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above. A copy of the assignment is enclosed as Exhibit A.

Date: 28 June 06

ROSETTA INPHARMATICS LLC  
By: Edward M. Yoshida  
Edward M. Yoshida  
Managing Counsel

**EXHIBIT A**

Copy of Assignment of PCT/US03/41613 from Inventors to Rosetta Inpharmatics LLC

## ASSIGNMENT

WHEREAS, WE, ERIC E. SCHADT, STEPHANIE A. MONKS, and JOHN LAMB, ASSIGNORS, respectively citizens of the United States, the United States, and the United Kingdom, respectively residing at 810 5th Street, Kirkland, Washington 98033, 3414 N. Ramsey Street, Stillwater, Oklahoma 74075, and 1216 N. 172<sup>nd</sup> Street, Shoreline, Washington, are the inventors of the invention in COMPUTER SYSTEMS AND METHODS FOR ASSOCIATING GENES WITH TRAITS USING CROSS SPECIES DATA for which we have executed an application for a Patent of the United States

☒ which is identified by Jones Day docket no. 9301-210-999

☒ which was filed on December 24, 2003, Application No. 10/540,405, U.S. national stage of International Application No. PCT/US03/041613

and WHEREAS, ROSETTA INPHARMATICS LLC, a limited liability company organized and existing under the laws of the state of Delaware, and having an office for the transaction of business at 401 Terry Avenue North, Seattle, Washington 98108, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date June 27, 2006, 2006

  
Eric E. Schadt


L.S.

Date \_\_\_\_\_, 2006

Stephanie A. Monks

L.S.

Date June 26th, 2006, 2006

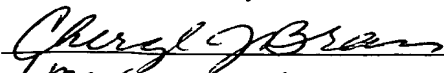
  
John Lamb

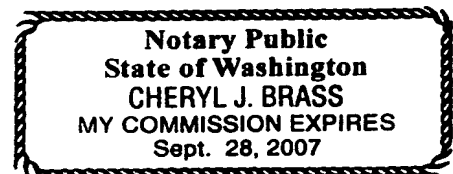
L.S.

State of Washington }  
County of King } SS.:

On June 27, 2006, before me, Cheryl J. Brass, Notary Public, personally appeared Eric E. Schadt, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

  
(My appointment expires Sept 18, 2007)



State of )  
County of ) SS.:

On \_\_\_\_\_, 2006, before me, \_\_\_\_\_ Notary Public, personally appeared Stephanie A. Monks, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

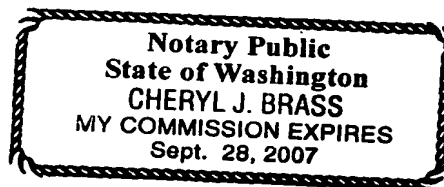
WITNESS my hand and official seal

State of Washington )  
County of King ) SS.:

On June 26, 2006, before me, Cheryl J. Brass Notary Public, personally appeared John Lamb, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Cheryl J. Brass  
(My appointment expires Sept 28, 2007)



## JOINT

## ASSIGNMENT.

WHEREAS, WE, ERIC E. SCHADT, STEPHANIE A. MONKS, and JOHN LAMB, ASSIGNORS, respectively citizens of the United States, the United States, and the United Kingdom, respectively residing at 810 5th Street, Kirkland, Washington 98033, 3414 N. Ramsey Street, Stillwater, Oklahoma 74075, and 1216 N. 172<sup>nd</sup> Street, Shoreline, Washington, are the inventors of the invention in COMPUTER SYSTEMS AND METHODS FOR ASSOCIATING GENES WITH TRAITS USING CROSS SPECIES DATA for which we have executed an application for a Patent of the United States

② which is identified by Jones Day docket no. 9301-210-999

② which was filed on December 24, 2003, Application No. 10/540,405, U.S. national stage of International Application No. PCT/US03/041613

and WHEREAS, ROSETTA INPHARMATICS LLC, a limited liability company organized and existing under the laws of the state of Delaware, and having an office for the transaction of business at 401 Terry Avenue North, Seattle, Washington 98108, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date \_\_\_\_\_, 2006

Eric E. Schadt

LS.

Date June 28, 2006

Stephanie A. Monks

LS.

Date \_\_\_\_\_, 2006

John Lamb

LS.

State of

County of

} SS:

On \_\_\_\_\_, 2006, before me, \_\_\_\_\_, Notary Public, personally appeared Eric E. Schadt, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

State of Oklahoma }  
County of Payne } SS.:

On June 28, 2006, before me, Frank M. Mearns Notary Public, personally appeared Stephen A. Monks, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Frank M. MearnsMy Commission expires July 18, 2008State of }  
County of } SS.:

On \_\_\_\_\_, 2006, before me, \_\_\_\_\_ Notary Public, personally appeared John Lamb, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

BEST AVAILABLE COPY



**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION\***

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor (if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**COMPUTER SYSTEMS AND METHODS FOR ASSOCIATING GENES WITH TRAITS USING CROSS SPECIES DATA**

and for which a patent application:

☒ was filed in the United States as Application No. 10/540,405 (for declaration on corresponding application) with amendment(s) filed on (if applicable)☒ was filed as PCT International Application No. PCT/US03/41613 on December 24, 2003 and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION				
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED	
			YES <input type="checkbox"/>	NO <input type="checkbox"/>
			YES <input type="checkbox"/>	NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/436,684	December 27, 2002
60/460,343	April 2, 2003

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

\* For use only when the application is assigned to a company, partnership or other organization.

(1)

CAJD-57839-2

**BEST AVAILABLE COPY**

JONES DAY DOCKET NO. 9301-210-999

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	LAST NAME Schack	FIRST NAME Eric	MIDDLE NAME E.
	RESIDENCE & CITIZENSHIP	CITY Kirkland	STATE OR FOREIGN COUNTRY Washington	COUNTRY OF CITIZENSHIP U.S.A.
	POST OFFICE ADDRESS	STREET 810 5th Street	CITY Kirkland	STATE OR COUNTRY Washington
		SIGNATURE OF INVENTOR 201		DATE 98033
202	FULL NAME OF INVENTOR	LAST NAME Monks	FIRST NAME Stephanie	MIDDLE NAME A.
	RESIDENCE & CITIZENSHIP	CITY Stillwater	STATE OR FOREIGN COUNTRY Oklahoma	COUNTRY OF CITIZENSHIP U.S.A.
	POST OFFICE ADDRESS	STREET 3414 N. Ramsey Street	CITY Stillwater	STATE OR COUNTRY Oklahoma
		SIGNATURE OF INVENTOR 202 <i>Stephanie A Monks</i>		DATE June 28, 2006
203	FULL NAME OF INVENTOR	LAST NAME Lamb	FIRST NAME John	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY Shoreline	STATE OR FOREIGN COUNTRY Washington	COUNTRY OF CITIZENSHIP United Kingdom
	POST OFFICE ADDRESS	STREET 1216 N. 172nd Street	CITY Shoreline	STATE OR COUNTRY Washington
		SIGNATURE OF INVENTOR 203		DATE 98153
204	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
		SIGNATURE OF INVENTOR 204		DATE
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
		SIGNATURE OF INVENTOR 205		DATE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Schadt et al.	Confirmation No.:	9607
Serial No.:	10/540,405 national stage filing of PCT/US03/41613	Art Unit:	To be assigned
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**STATEMENT OF JOHN LAMB UNDER 37 C.F.R. § 1.497(d)(1)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

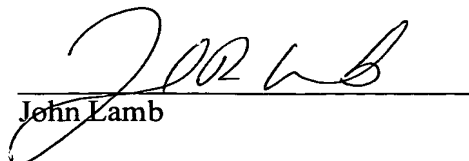
Sir:

In accordance with 37 C.F.R. § 1.497(d)(1) I, JOHN LAMB, a citizen of the United States having a residence of 1216 N. 172<sup>nd</sup> Street, Shoreline, Washington 98133, state as follows:

1. That my name was incorrectly omitted from the list of inventors for COMPUTER SYSTEMS AND METHODS FOR ASSOCIATING GENES WITH TRAITS USING CROSS SPECIES DATA, which was filed as PCT International Application No. PCT/US03/41613 on December 24, 2003 ("the PCT Application"). I am an inventor of the claimed subject matter of this application. The error in inventorship in the PCT Application occurred without any deceptive intention on my part.

Respectfully submitted,

Date: June 27th, 2006

  
John Lamb